

COMMISSIONERS APPROVAL

GRANDSTAFF 

ROKOSCH 

THOMPSON 

CHILCOTT 

DRISCOLL 

Present.....Commissioner Carlotta Grandstaff,
Commissioner Jim Rokosch, Commissioner Alan Thompson, and Commissioner
Kathleen Driscoll

Date.....November 3, 2008

Minutes: Glenda Wiles

► The Board met for the following administrative matters:

- Chair Signature of Homebuyer Annual Certification & HOME Income Quarterly Reporting Forms: **Commissioner Rokosch made a motion to have the Chairman sign the HOME Program Income Quarterly Reporting Forms for 3rd Quarter 2008 and the Homebuyer Annual Certification. Commissioner Driscoll seconded the motion and all voted “aye”.**
- Approval of Fair & Civic Center By-laws: The Commissioners indicated they had not made a thorough review of these by-laws and this issue will be set to a different date.
- Decision on committing PILT funds to Sheriff's Office: Discussion included committing \$45,000.00 from the PILT monies to the Sheriff's Office. **Commissioner Rokosch made a motion to commit these monies to the Sheriff's Office. Commissioner Driscoll seconded the motion and all voted “aye”.**
- Final Plat approval for Vernon Ranchettes Lot 1A AP: Present at this meeting were Consultant Terry Nelson, Planner Tristan Riddell and Planning Staff Jennifer De Groot. Discussion included condition 11 which requires \$500.00 per lot for the fire district mitigation. There are four lots; however one of the lots was pre-existing. The developer, as represented by Terry Nelson does not want to pay the \$500.00 for the fourth lot which was pre-existing. Terry noted all of the other mitigated items are for the newly created three lots. The preliminary plat addresses four lots, however. Tristan stated over the past few meeting they have

received monies for all the lots, including the pre-existing lots. He noted in the preliminary plat, the mitigation for schools was for the three lots not the four as stated for fire mitigation. He stated there is a chance this is a typo, but he feels it is important for the Board to decide how to proceed. There was no public safety mitigation requirement. Commissioner Thompson stated the new impacts are being mitigated with the three new lots. The existing lot is already paying taxes. Commissioner Rokosch asked if there was a mobile home on the existing lot. Tristan stated that is correct and that residence was paying taxes. The mobile has since been moved. Commissioner Driscoll stated the Commissioners need to develop a written policy. Terry stated when this was approved it was the policy that the existing lot does not have to pay. He stated this is a voluntary contribution. For consistency as to what was going on at that time, this fourth lot should not be required to pay the \$500 to the Fire District. Jen stated the last time they came to final plat on the Esau development they discussed this. There was nothing in the minutes to reflect a discussion about this fourth lot, and if the Commissioners do not require this payment, she will feel the need to come to all the final plat meetings to make sure the requirements are met on all the lots. Commissioner Rokosch stated if four new lots are created then four payments for mitigation should be met. If one already exists, the taxes are already being paid. No new house is being created. Jennifer stated this is a conversation that should have been handled during preliminary plat not final plat. **Commissioner Rokosch made a motion to approve final plat with mitigation to the fire district on three lots. Commissioner Thompson seconded the motion and all voted "aye".**

► Mike Spreadbury made a public comment stating he would like the chance to implement county zoning in the county by 2010, no matter what happens in tomorrow's vote. He stated he has applied for the Planning Director position and wants to see planned growth. He stated if he was hired he would feel fortunate to work with the Planning Staff and Commissioners.

Minutes: Beth Perkins

► The Board met for discussion and decision on the Impact Fee Resolution. Present were Civil Counsel Karen Mahar, Interim Planning Director John Lavey, Planner Tristan Riddell, Planning Board member Chip Pigman, and Impact Fee Advisory Board Chairperson John Meakin.

Karen stated she redrafted the document as an ordinance. The contents of the resolution have been embodied within the ordinance and the sections. She stated the ordinance would enact a "skeleton" program. The Impact Fee Advisory Committee worked on the draft this past weekend and resubmitted it to her for review. Karen then reviewed the grammar changes and language in the statutes with the Board. She stated the draft as revised would be legally acceptable.

John Meakin stated the impact fee would not be collected until the person applied for the septic permit. Commissioner Grandstaff stated she does not think the collection of the fees should be the Environmental Health or Planning Department's responsibility. John Lavey stated there would have to be a trigger between application for septic permit and the Treasurer's Office. Commissioner Driscoll questioned the City of Hamilton and what they are planning to use for the collection of fees. Chip replied it is paid when the sewer and water is hooked up. Karen stated it should be consistent with the mitigation fees collected. This is an internal procedure between departments. She suggested leaving the collection portion out of the ordinance and working with the departments for a plan.

Karen discussed the concern of someone forcing the Board to accept unsuitable land in lieu of impact fees. She stated according to MCA, the Board would not be required to accept it. Commissioner Rokosch discussed changes with the legislature for increases in the administrative fees and how to reflect those changes without amending the ordinance. John Meakin then reviewed section three to cover the administrative fees.

Karen stated the resolution would set a fee. She then reviewed section five and suggested removing the line pertaining to local districts. She added language to section four subsection B as statutorily allowed. After discussion, it was decided to split subsection B into two sentences.

Commissioner Grandstaff reviewed section 6. John Lavey stated he does not know if the Planning Department would be the right department for notice of appeal. Karen suggested using the Impact Fee Advisory Committee and then have them bring it forward to the Board. Commissioner Rokosch stated if the fees are established then existing lots would have to get a new septic permit. It seems to him, that is where it should start. Karen suggested having somewhere people could go during normal business hours. It was the Board's consensus to have the Planning Department collect the appeals and then contact the Impact Advisory Committee to bring them forth to the Board of County Commissioners. Karen added "within three days" to notify the Impact Advisory Committee and "within 15 business days" to schedule an appeal with the Board of County Commissioners. John Lavey requested more time for the notice such as five days.

Karen reviewed section five subsection D. She recommended changing local district to Ravalli County. Commissioner Driscoll discussed Hamilton High School and the recent soccer fields and impact fees. She stated there needs to be a filter of what is being put on the ground. Karen stated the only thing that needs to be added is "the developer and needs to be approved by the Board of County Commissioners". Commissioner Rokosch stated he would like to see a written agreement between the developer and the school district prior to approval. The Board concurred with Commissioner Rokosch. Karen stated she will revise subsection D. She discussed paying back the fees if there is an overage. Discussion followed regarding accepting in lieu payments. Karen stated any "in lieu of" will be scrutinized closely prior to going into any agreement. Commissioner Thompson agreed there needs to be language to protect the County in such cases.

Karen stated the language in section five to accept the dedication of land is discretionary. She suggested changing the language to "the sole right of the Board of County Commissioners".

Karen recapped section six regarding the appeal process. She stated it was agreed the Planning Department will notify both the Board of County Commissioners and the Impact Fee Advisory Committee within five business days of the appeal. Roger DeHaan requested to define local district within the ordinance. Karen replied it is not defined and it came out of the Kalispell ordinance. She suggested leaving the language broad.

The Board recessed for ten minutes while Civil Counsel made the changes to the ordinance.

The Board reconvened and then reviewed the changes made by Civil Counsel. **Commissioner Rokosch made a motion to approve the language for the Ravalli County Impact Fee Ordinance. Commissioner Driscoll seconded the motion and all voted 'aye'.**

► The Board met with Brian Williams from the Montana Area Economic Development Corporation for an introduction to the Brownfield Project.

Brian introduced himself and gave an overview. He stated the project involves a Brownfield study that will lead to obtaining grants. He stated the grants will help facilitate the clean up of potential contamination sites. Brian stated his hopes are to get the communities involved and with the coalition, it could lead to greater grant funding. The site specified is lower funded but the same work as doing tri-county area. They will do all the leg work with the help at county and state level and create a solid water type grant proposal. Brian stated once the grant is issued, it will create the potential for other grant funding. Many of these sites are ideal such as industrial sites which still have the electrical applications. Brian stated there has to be a minimum of five sites in this project.

Brian stated they are looking at doing at least one site in each of the three counties. (Ravalli, Missoula and Mineral County) He stated the biggest component would be the public involvement portion since the community would know what was dumped at these sites and could contribute to the clean up.

Jen asked what is the maximum of the first grant. Brian replied one million dollars for the assessment. The EPA will not be doing the testing, it will be private developers. Commissioner Grandstaff questioned outsourcing the work to consulting firms for testing of the ground. Brian replied his portion will end at the writing of the assessment. The coalition (three county seats) will continue from there. There will need to be equal representation from each county. Commissioner Grandstaff questioned using public money to clean up private land. Brian replied there will be a few exceptions but he believes it can be done. Commissioner Rokosch asked about the criteria for the inventory. Brian replied it is flexible at this point but he will base it on the King County study. He reviewed the keys points of the King County study with the Board.

Commissioner Rokosch asked if there are match monies needed. Brian replied he does not believe so but will have to get it clarified. Further discussion followed of possible contacts for Brian.